



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

April 28, 2017

Certified Mail
7012 3460 0003 1112 8670

Robert Marr, Owner
Madden Creek Water Company
P.O. Box 264
Tahoma, CA 96142

TRANSMITTAL OF CITATION NO. 01-02-17C-007

Dear Mr. Marr:

The State Water Resources Control Board (State Board) Division of Drinking Water has issued the Tahoe Cedars Water Company water system a citation, which is attached.

Any person who is aggrieved by an order or decision issued by the deputy director of the Division of Drinking Water under Article 8 (commencing with Health and Safety Code Section 116625) or Article 9 (commencing with Health and Safety Code Section 116650), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code) may file a petition with the State Board for reconsideration of the order or decision. The enclosed citation contains the relevant statutory provisions for filing a petition for reconsideration. (Health and Safety Code Section 116701)

Petitions must be received by the State Board within 30 days of the issuance of the order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions, please contact Michael Burgess at (530) 224-6506 or me at (530) 224-4800.



Michael J. McNamara, P.E.
Lassen District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

Enclosures

cc: Richard L. Hinrichs, Chief, DDW-Northern California Section
Placer County Department of Environmental Health

1 STATE OF CALIFORNIA
2 STATE WATER RESOURCES CONTROL BOARD
3 DIVISION OF DRINKING WATER
4

5 **TO:** Madden Creek Water Company
6 P.O. Box 264
7 Tahoma, CA 96142
8

9 **Attn:** Robert Marr, Owner
10

11 **CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,**

12 **TITLE 22, SECTION 64423(a)(1)**

13 **WATER SYSTEM NO. 3110043**

14 **CITATION NO. 01-02-17C-007**

15 **Issued on April 28, 2017**
16

17 Section 116650 of the California Health and Safety Code authorizes the issuance of a
18 citation to a public water system for violation of the California Safe Drinking Water Act (Health
19 and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270)
20 (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or
21 adopted thereunder.

22
23 The State Water Resources Control Board (hereinafter "State Board"), acting by and through
24 its Division of Drinking Water (hereinafter, "Division") and the Deputy Director for the Division
25 (hereinafter, "Deputy Director"), hereby issues a citation to the Madden Creek Water



1 Company (hereinafter, "Company"), located in the Tahoma area on the west shore of Lake
2 Tahoe, for violation of California Code of Regulations (CCR), Title 22, Section 64423(a)(1).

3
4 A copy of the applicable statutes and regulations are included in Attachment A, which is
5 attached hereto and incorporated by reference.

6
7 **STATEMENT OF FACTS**

8 The Madden Creek Water Company operates a community water system serving a
9 population of approximately 300 year-round residents through 172 active service connections
10 on the West Shore of Lake Tahoe. The water system is currently served by a single well.
11 Disinfection of the groundwater supply is not provided. The water system is served by a
12 single bolted steel storage tank, with a total storage capacity of 125,000 gallons.

13
14 Based on the population served and the number of service connections, the Company is
15 required to collect one routine sample from the distribution system for bacteriological
16 monitoring each month. During the month of February 2017, the Company failed to collect
17 the required routine bacteriological sample.

18
19 **DETERMINATION**

20 The Division has determined that the Madden Creek Water Company violated Title 22,
21 Section 64423(a)(1) of the CCR. Specifically, Madden Creek Water Company failed to collect
22 the required routine bacteriological sample during the month of February 2017.

23
24 **DIRECTIVES**

25 Madden Creek Water Company is hereby directed to take the following actions:

- 1
- 2 1. Comply with Title 22, Section 64423 of the CCR in all future monitoring periods.
- 3
- 4 2. Within one year of the issuance of this Citation, but in no case later than **April 28, 2018**,
- 5 notify all persons served by the Company of the monitoring violation as required by
- 6 Title 22, Sections 64463.7 and 64465 of the CCR. Notification shall be completed by
- 7 posting the notice contained in Attachment 'B' in conspicuous places within the service
- 8 area and by hand delivery or direct mail of the notice to all customers served by the
- 9 Company. In accordance with Title 22, Section 64463.7(d) of the CCR, the Company
- 10 may meet the hand delivery or direct mail and posting requirements by including
- 11 notification of the monitoring failure as part of the Company's annual Consumer
- 12 Confidence Report. No changes shall be made to Attachment 'B' unless approved by
- 13 the Division.
- 14
- 15 3. Complete and return Attachment 'C' entitled "Certification of Completion of Public
- 16 Notification" by **May 8, 2018**. A copy of the notification that was provided to users due to
- 17 the total coliform monitoring and reporting failure for February 2017 shall be included
- 18 with the form.

19 All documents required by this Citation shall be submitted to the Division to the following
20 address:

21 Michael J. McNamara, P. E.
22 Lassen District Engineer
23 State Water Resources Control Board
24 Division of Drinking Water
25 364 Knollcrest Drive, Suite 101
26 Redding, CA 96002
27 (530) 224-4800
28

1 As used in this Citation, the date of issuance shall be the date of this Citation; and the date of
2 service shall be the date of service of this Citation, personal or by certified mail, on the water
3 system.

4
5 Nothing in this Citation relieves the Company of its obligation to meet the requirements of
6 Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe Drinking Water
7 Act), or any regulation, permit, standard or order issued or adopted thereunder.

8
9 The Division reserves the right to make such modifications to this Citation, as it may deem
10 necessary to protect public health and safety. Such modifications may be issued as
11 amendments to this Citation and shall be effective upon issuance.

12 13 **PARTIES BOUND**

14 This Citation shall apply to and be binding upon Madden Creek Water Company, its officers,
15 directors, shareholders, agents, employees, contractors, successors, and assignees.

16 17 **SEVERABILITY**

18 The Directives of this Citation are severable, and the Company shall comply with each and
19 every provision thereof, notwithstanding the effectiveness of any other provision.

20 21 **FURTHER ENFORCEMENT ACTION**

22 The California SDWA authorizes the State Board to: issue a citation with assessment of
23 administrative penalties to a public water system for violation or continued violation of the
24 requirements of the California SDWA or any permit, regulation, or order issued or adopted
25 thereunder including, but not limited to, failure to correct a violation identified in a citation or

1 compliance order. The California SDWA also authorizes the State Board to take action to
2 suspend or revoke a permit that has been issued to a public water system if the system has
3 violated applicable law or regulations or has failed to comply with an order of the State Board;
4 and to petition the superior court to take various enforcement measures against a public
5 water system that has failed to comply with an order of the State Board. The State Board
6 does not waive any further enforcement action by issuance of this citation.

7
8 4-28-2017 Michael J. McNamara
9 Date Michael J. McNamara, Lassen District Engineer
10 Northern California Section
11 Division of Drinking Water
12 State Water Resources Control Board

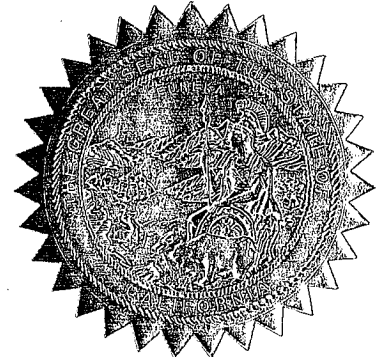
13 Attachments:

14 'A' Applicable Authorities

15 'B' Public Notice

16 'C' Certification of Completion of Public Notification

17 CERTIFIED MAIL 7012 3460 0003 1112 8670



APPLICABLE AUTHORITIES

Section 116650 of the California Health and Safety Code provides:

(a) If the Division determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the Division may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The Division may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

Section 116701 of the California Health and Safety Code provides:

(a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.

Attachment A

(f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.

California Code of Regulations, Title 22, Section 64423(a)(1), provides in relevant part:

- (1) The minimum number of samples for community water systems shall be based on the known population served or the total number of service connections, whichever results in the greater number of samples, as shown in Table 64423-A. A community water system using groundwater which serves 25-1000 persons may request from the State Board a reduction in monitoring frequency. The minimum reduced frequency shall not be less than one sample per quarter.

Table 64423-A

Minimum Number of Routine Total Coliform Samples

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month

California Code of Regulations, Title 22, Section 64463.7, provides in relevant part:

- (a) Each water system shall give public notice pursuant to this section if any of the following occurs:
 - (1) Monitoring violations;
 - (2) Failure to comply with a testing procedure, except where a Tier 1 public notice is required pursuant to section 64463.1 or the State Board determines that a Tier 2 public notice is required pursuant to section 64463.4; or
 - (3) Operation under a variance or exemption.
- (b) Each water system shall give the public notice within one year after it learns of the violation or begins operating under a variance or exemption.
 - (1) The water system shall repeat the public notice annually for as long as the violation, variance, exemption, or other occurrence continues.
 - (2) Posted public notices shall remain in place for as long as the violation, variance, exemption, or other occurrence continues, but in no case less than seven days.
 - (3) Instead of individual Tier 3 public notices, a water system may use an annual report detailing all violations and occurrences for the previous twelve months, as long as the water system meets the frequency requirements specified in this subsection.
- (c) Each water system shall deliver the notice in a manner designed to reach persons served within the required time period, as follows:
 - (1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by
 - (A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

Attachment A

- (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):
1. Publication in a local newspaper;
 2. Posting in conspicuous public places served by the water system, or on the Internet; or
 3. Delivery to community organizations.

- (d) Community and nontransient-noncommunity water systems may use the Consumer Confidence Report pursuant to sections 64480 through 64483, to meet the initial and repeat Tier 3 public notice requirements in subsection 64463.7(b), as long as the Report meets the following:
- (1) Is given no later than one year after the water system learns of the violation or occurrence;
 - (2) Includes the content specified in section 64465; and
 - (3) Is distributed pursuant to paragraph (b)(1) and (2) or subsection (c).

California Code of Regulations, Title 22, Section 64465, provides in relevant part:

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:

- (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
- (2) The date(s) of the violation or occurrence;
- (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
- (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
- (5) Whether alternative water supplies should be used;
- (6) What actions consumers should take, including when they should seek medical help, if known;
- (7) What the water system is doing to correct the violation or occurrence;
- (8) When the water system expects to return to compliance or resolve the occurrence;
- (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
- (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail."; and
- (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [*compliance period dates*], we [*did not monitor or test*' or '*did not complete all monitoring or testing*'] for [*contaminant(s)*], and therefore, cannot be sure of the quality of your drinking water during that time."

Attachment A

(b) A Tier 3 public notice for a water system operating under a variance or exemption shall include the elements in this subsection. If a water system has violated its variance or exemption conditions, the public notice shall also include the elements in subsection (a).

- (1) An explanation of the reasons for the variance or exemption;
- (2) The date on which the variance or exemption was issued;
- (3) A brief status report on the steps the water system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and
- (4) A notice of any opportunity for public input in the review of the variance or exemption.

(c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:

(1) For a Tier 1 public notice:

(A) The notice shall be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the public water system, and the notice shall include a telephone number or address where such individuals may contact the public water system for assistance; and

(B) If any non-English-speaking group exceeds 1,000 persons served by the public water system, but does not exceed 10 percent served, the notice shall include information in the appropriate language(s) regarding the importance of the notice, and the telephone number or address where such individuals may contact the public water system to obtain a translated copy of the notice from the public water system or assistance in the appropriate language;

(2) For a Tier 2 or Tier 3 public notice:

(A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and

(B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:

1. Information in the appropriate language(s) regarding the importance of the notice; or
2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and

(3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.

(d) Each public notice given pursuant to this article shall:

- (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
- (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
- (3) Not contain language that minimizes or contradicts the information being given in the public notice.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

Monitoring Requirements Not Met for Madden Creek Water Company

Our water system failed to monitor as required for drinking water standards during the past year and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During February 2017 we failed to perform the required monthly monitoring for total coliform bacteria, and therefore, cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
Total Coliform Bacteria	One sample per month	0	February 2017	March 2017

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

We performed the required monthly monitoring for total coliform bacteria during March and April 2017, and no total coliform bacteria was detected in the water system.

For more information, please contact Robert Marr at 530-525-7555 or P.O. Box 264 Tahoma, CA 96142.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing

homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by Madden Creek Water Company

State Water System ID#: 3110043 Date distributed: _____

CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

Public Water System Name Madden Creek Water Company

Date _____